

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 22 May 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>Madame Tussauds, Marylebone Road, London, NW1 5LR.</b>		
<b>Proposal</b>	Installation of bollards on pavement along Allsop Place and corner of Marylebone Road.		
<b>Agent</b>	Osborne Architects		
<b>On behalf of</b>	Madame Tussauds		
<b>Registered Number</b>	17/09637/FULL	<b>Date amended/ completed</b>	19 April 2018
<b>Date Application Received</b>	30 October 2017		
<b>Historic Building Grade</b>	Unlisted building of merit		
<b>Conservation Area</b>	Dorset Square		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

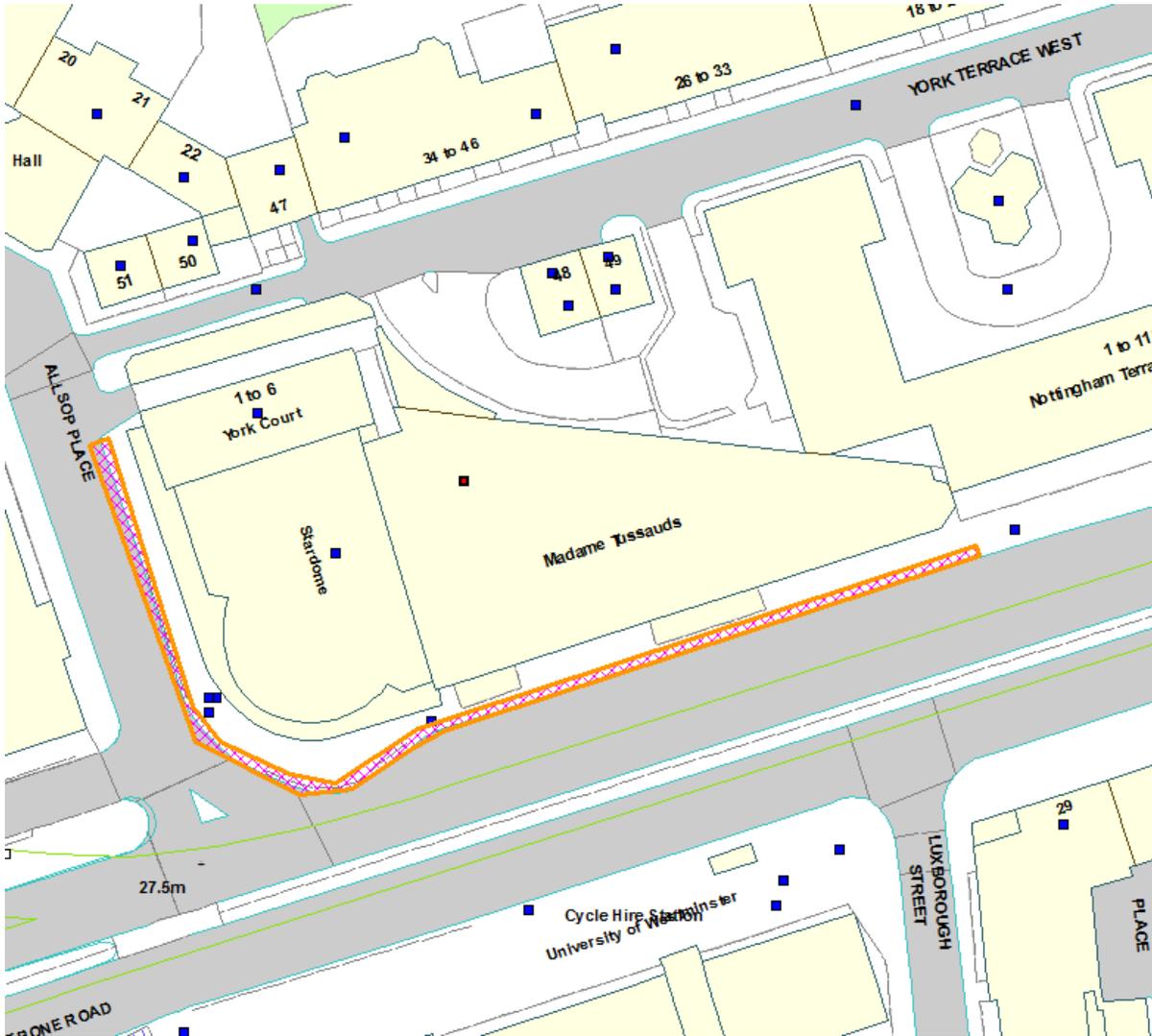
Permission is sought to install bollards outside of Madame Tussauds along Allsop Place and its junction with Marylebone Road, as a security measure to protect pedestrians in this location.

The proposal has the support of the Counter Terrorism Security Advisor Metropolitan Police Protective Security Operations, Metropolitan Police Counter Terrorism Security Advisor and Metropolitan Police Crime Prevention Officer who confirm the need for the security measures given the nature and character of the site, location and predictable crowds. Representation of support has also been received from The St Marylebone Society and Baker Street Quarter Partnership.

Given that the proposed security measures are necessary to provide a safe environment for pedestrians using this part of the highway, it is considered that the public benefits of the proposal outweigh the less than substantial harm to heritage assets and justify a departure from our policies on street clutter and pedestrian flow.

A 10-year temporary permission is recommended to enable the need for the bollards to be reviewed in the future to ensure that exceptional circumstances to retain the bollards remain in place.

### 3. LOCATION PLAN



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22 Mar 2018 at 08:05:41



22 Mar 2018 at 08:05:37



## 5. CONSULTATIONS

**COUNTER TERRORISM SECURITY ADVISOR METROPOLITAN POLICE**  
Support. Hostile Vehicle Mitigation (HVM) is needed outside of the building to protect the queues of visitors from potential attack from terrorists using a vehicle.

### PROTECTIVE SECURITY OPERATIONS

Support. Recommended highest level of protection of HMV. The site is particularly vulnerable to vehicle attack. The nature of the site, location and predictable crowds are all factors that will influence the likelihood and severity of an attack.

**METROPOLITAN POLICE COUNTER TERRORISM SECURITY ADVISOR**  
Support. Recommend HMV. Venue is potentially attractive to terrorists, due to it being an iconic visitor attraction with national and international recognition and represents western culture attracting crowds and regular significant footfall.

### METROPOLITAN POLICE CRIME PREVENTION AND TP CAPABILITY

Support. Will increase public safety in a busy area with high levels of tourists and visitors to the attraction and will also help mitigate potential moped crime.

### TRANSPORT FOR LONDON

No objection to revised scheme for Allsop Place only. Support in principle the provision of physical deterrents to vehicles mounting the footway. HVM at this site is intended to protect both pedestrians and visitors of Madame Tussauds.

NB/ The originally proposed bollards along Marylebone Road have been omitted following concerns raised by TFL and to allow further discussions to take place on this phase 2).

### HIGHWAYS PLANNING

Objection. Additional street furniture on the public highway is contrary to City Council highway policy and Westminster Way document, which seeks to reduce street clutter to secure an improved pedestrian environment.

### CLEANSING

No objection. 1.2m spacing between bollards will allow street cleansing equipment to go through the bollards in order to maintain and clean the pavement.

### ST MARYLEBONE SOCIETY

Support. No objection to this proposal as the safety of the pedestrians queuing is essential and understand that new technology is to be introduced to seek to reduce external queuing.

BAKER STREET QUARTER PARTNERSHIP (Business Improvement District) Support. The measures proposed appear sensitive to the planning and heritage context whilst also proportionate to the level of potential threat.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 0

No. of objections: 0

No. in support: 0

No. neither objecting nor supporting two responses from licensed street trader pitch 1771.

Whilst welcome the bollards in general as it is a high risk area, would like to design to take into consideration the pitch and access door to the kiosk, as door opens from behind where one of the bollards would be.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

Madame Tussauds, is a Museum for life-size wax replicas of famous celebrities & historic icons in themed galleries and is an entertainment use of national and international importance, receiving significant number of visitors daily. It is located on the north side of Marylebone Road on the corner of Allsop Place with frontages to both streets. The entrance to the building is on Marylebone Road and its exit via Allsop Place. It is designated as an unlisted building of merit and is located within the Dorset Square Conservation Area.

The surrounding area is mixed use in character. The residential York Terrace East is located to the north (rear), Baker Street station and retail uses is located to the east, Nottingham Terrace (residential) to the west and to the south, on the opposite side of Marylebone Road, is the University of Westminster.

Marylebone Road is a Named Street within Marylebone and Fitzrovia. It is also part of the Transport for London (TFL) Road Network, for which TFL are the Highway Authority. Westminster are the Highway Authority for Allsop Place.

The pedestrian highway directly outside of the site along both Allsop Place and Marylebone Road contains various items of street furniture including street trading kiosks, lampposts, traffic lights, traffic signs, pedestrian information sign, telephone kiosks, post box, litterbins and bollards.

## 4.2 Recent Relevant History

None relevant

## 5. THE PROPOSAL

Planning permission is sought to install a line of bollards on the pedestrian highway outside of the site along Allsop Place and its junction with Marylebone Road at 1.2m intervals. The line of the bollards is designed to deviate around the existing street trading kiosks. The bollard system comprises a safetyflex truckstopper 7 system to provide a vehicle security barrier. A bollard “sleeve” would then be placed over this system for aesthetic reasons.

The bollard “sleeve” is proposed to be 1060cm high and would be powder coated matt black with every third bollard to contain a character/celebrity silhouette in white, referencing the proximity to Madame Tussauds.

The bollards, designed to meet Hostile Vehicle Mitigation (HVM) standards are proposed as a security measure to protect pedestrians and visitors of Madame Tussauds from vehicles mounting the pavement.

The applicant has indicated that the application has come about following Madame Tussauds inclusion on the Home Offices’ Crowded Places list, where the site is considered particularly vulnerable. Following discussions between Madame Tussauds, their own security advisors and the Metropolitan Police, hostile vehicle mitigation was considered necessary to protect pedestrians using the highway around the building which are either queuing to enter the building or congregating at the exit.

In tandem with this application, the applicant is seeking to introduce new measures to reduce the extent of external queuing outside of the building. This includes removing the need for guests to queue to buy tickets/exchange vouchers and encouraging pre-bookings through a booking portal and trade and promotions. Internal self-service machines for ticket purchase and collection are due to be installed in July 2018 and a further increase in timed ticket holders is expected.

However, it is acknowledged that the applicant is unlikely to be able to extinguish all external queuing, given the significant number of visitors that attend the site, the restriction on the number of people allowed in the building for licensing purposes (2825 people at any one time), external security checks, attendance earlier than allocated timeslots, and congregating of visitors at the exit point.

The application has been amended since original submission. Whilst the original proposal included a longer line of bollards extending the full frontage of the site along Allsop Place and Marylebone Road, this brought about objection from TFL and the Marylebone Road bollards have subsequently been omitted from the proposal to enable separate further discussions to take place on what is considered phase 2 of the proposal. The proposal has also been revised to maintain the existing licensing street kiosks in their current location and to incorporate a more bespoke bollard “sleeve” design given its proximity to a major tourist location.

## 6. DETAILED CONSIDERATIONS

### 6.1 Townscape

The building and its use make a noteworthy contribution to the history and architecture of the conservation area, and the planetarium dome is a well-recognised London landmark. As such, the building is itself an undesignated heritage asset and an unlisted building of merit within the conservation area.

The proposed bollards will introduce street clutter to an area of the City where the footway is already compromised by existing street furniture and street-trading kiosks as well as the sheer volume of queuing visitors to Madame Tussauds. Inevitably, the addition of bollards will exacerbate the visual clutter and cause some harm to the streetscape and to the character and appearance of the conservation area. However, the degree of harm is considered to be, less than substantial and as such needs to be balanced against the public benefits of the proposal, while mindful of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consideration of whether the public benefits of proposal outweigh this objection are set out under section 6.3 of this report.

Notwithstanding the principle of the bollards above the discreet detailed design of the bollards proposed are considered to be similar to our standard Westminster style bollards painted black matt, but with a bespoke design to reflect to their location adjacent to the major tourist attraction of Madame Tussauds. It is therefore considered to be of a suitable standard of design in light of policies DES1, DES7, DES9 of our Unitary Development Plan (UDP) and S25 and S28 of our City Plan.

### 6.2 Transportation

Marylebone Road is part of the Transport for London Road Network, for which Transport for London (TfL) are the Highway Authority. Westminster are the Highway Authority for Allsop Place.

The principle of additional street furniture on the public highway is contrary to Westminster's, Westminster Way document which states that, the intention is to provide a clutter free environment that puts the pedestrian first. Policy TRANS3 of our UDP and S41 of our City Plan also seek to secure an improved environment for pedestrians. This is because the primary function of the highways is the free and unobstructed movement of the highways users. Consequently, the City Council's Highways Planning Manager has raised objection to the proposal on pure highways terms as it would worsen and obstruct the ease, convenience and directness of pedestrian movement.

Notwithstanding this in principle objection. The Highways Planning Manager has indicated that whilst a 2m clear footway is usually requested, if the bollards are accepted as being required for security reasons then the distance of 1.2m proposed by this

application would be acceptable and would not inhibit the movement of pedestrians, wheelchair users, prams, stroller and highway cleaning and maintenance equipment.

The proposed bollards designed to deviate around the existing street trading pitches/kiosks. This means the bollards in these locations would be closer to the kerb and would provide slightly less clearance between the carriageway and bollard than the minimum required 450mm and this has brought about objection from the Highways Planning Manager. This clearance primarily ensures there is a gap between vehicles and essential street furniture. It also provides a small refuge for pedestrians who may be caught in the wrong location. Whilst this is regrettable, given that it relates to minimal areas it is not considered so detrimental to warrant withholding permission on this ground. The licensed street trader for one of the pitches has also indicated that access to the kiosk is from the rear and that the bollard in this location should not prevent his access. Given that 1.2m is required between the bollards, alignment of the gap with this door should be able to be facilitated.

Consideration of whether the public benefits of proposal outweigh this objection are set out under section 6.3 of this report.

### **6.3 Public Benefits (Crime and Security)**

The application has been submitted following a security assessment of the site as a crowded place, which is vulnerable to a hostile vehicle attack to pedestrians queuing or congregating outside of Madame Tussauds. Sadly, the threat of terrorist activity is prevalent at present and buildings with a high profile, which attract large numbers of visitors, can be particular targets. For this reason, the proposal seeks to install Hostile Vehicle Mitigation (HVM) in the form of special bollards designed to withstand a 7.5-ton truck, as a security measure to protect pedestrians and visitors of Madame Tussauds from vehicles mounting the pavement. Such development which seeks to minimise opportunities for crime including the risk of terrorism accords with policy S29 of our City Plan

The proposal has the support of the Counter Terrorism Security Advisor Metropolitan Police Protective Security Operations, Metropolitan Police Counter Terrorism Security Advisor and Metropolitan Police Crime Prevention and TP Capability who confirm the need for the security measures given the nature and character of the site, location and predictable crowds. Representation of support has also been received from The St Marylebone Society and Baker Street Quarter Partnership.

Given the specialist advice that the proposed security measures are necessary, together with the public benefits of providing a safe environment for pedestrians using this part of the highways and visitors to Madame Tussauds. It is considered that there is significant public benefit to the proposal to outweigh the less than substantial harm to heritage assets and to justify a departure from our policies on street clutter and pedestrian flow.

For the reasons set out above, the application is therefore recommended favourably. However, given the circumstances of the case as set out in this report. It is considered appropriate to require a review mechanism of the need and justification for the bollards. A 10-year temporary period has been agreed by the applicant. This would enable the need for the bollards, to be reviewed at that time in light of any change in circumstances (for example; whether the site remains as an international tourist attraction, the degree of threat has diminished, Allsop Place has become pedestrianised or queueing and congregating on the highway has been reduced or eliminated etc.). This is to ensure that exceptional circumstances remain in place.

#### **6.4 London Plan**

This application raises no strategic issues.

#### **6.5 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered consistent with the NPPF unless stated otherwise.

#### **6.6 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **7. BACKGROUND PAPERS**

1. Application form
2. Counter Terrorism Security Advisor Metropolitan Police Protective Security Operations 06.01.2017 and 29.03.2018
3. Metropolitan Police Counter Terrorism Security Advisor 08.06.2017 and 24.11.2017
4. Metropolitan Police Crime Prevention and TP Capability 14.11.2018
5. Transport for London 15.12.2017, 17.01.2017, 01.05.2018
6. Highways Planning 19.01.2018 and 30.04.2018
7. Cleansing 21.11.2017
8. St Marylebone Society 17.11.2017, 12.12.2017, 14.01.2018, 08.05.2018
9. Baker Street Quarter Partnership dated 25.10. 2017
10. Response from Licensed street trader pitch 1771 on Marylebone Road (x2) 29.04.2018
11. Note of meeting with Cabinet Member meeting 19.02.2018

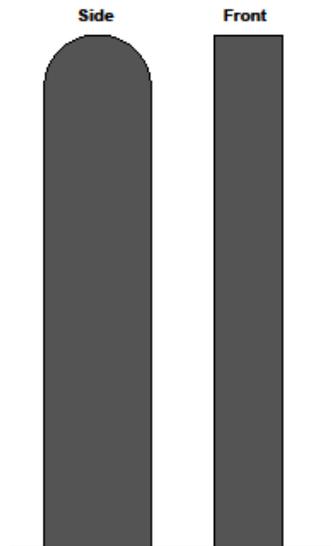
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

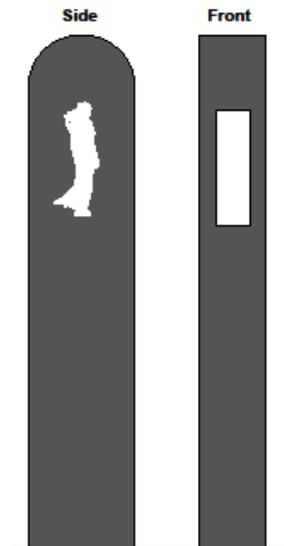


## GENERAL NOTES

1. Do not scale from this print or use as a template.
2. All dimensions must be verified on site before any work is put in hand and any discrepancies must be reported to the Architect. Where any variations occur between small scale and detailed drawings, detail drawings should be worked from.
3. Copyright of this drawing is reserved by Osbornes and is issued on condition that it is not copied or disclosed to any third party either wholly or in part without the consent of Osbornes in writing.

**BOLLARDS GENERALLY**

Bollard sleeves powder coated matt black

**BOLLARDS AT CROSSING AND AT CLOSED ENDS**

Front and rear of bollards to have white band to increase visibility

Every 3rd bollard to receive character / celebrity silhouette in white  
(referencing locality to Madame Tussauds attraction)

REV B: 17.04.2018 Bollard altered.

**OSBORNES** CHARTERED ARCHITECTS

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CLIENT MTL

PROJECT MT STREET WORKS

TITLE BOLLARD ELEVATIONS

SCALE 1:10 @ A4

DATE OCT 2017

DRAWN TL

DRAWING NUMBER 17-111-E2B

**DRAFT DECISION LETTER**

- Address:** Madame Tussauds , Marylebone Road, London, NW1 5LR
- Proposal:** Installation of bollards on pavement along eastern side of Allsop Place and corner of Marylebone Road.
- Reference:** 17/09637/FULL
- Plan Nos:** Site location plan,17-111-DB1; 17-111-D2B; 17-111GA1G; 17-111-S1C , Design and Access and Heritage Statement Rev B - November 2017, Addendums to Design and Access Heritage Statement December 2017 and April 2018 (as part superseded by drawings).

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**Recommended Condition(s) and Reason(s)**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents based on this decision letter, and any drawings approved subsequently by the City Council as local planning authority subject to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturday, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside the hours otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in certain circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of safety) (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. The development is in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Primary Development Plan that we adopted in January 2007. (R11AC)

- 3 The bollards may remain in the public highway in the locations shown on the drawings hereby approved for a period of 10 years from the date of this decision letter. After this date the bollards shall be removed and the pavement returned to its former condition.

**Reason:**

So that we can reassess the need for the bollards taking into account the circumstances at that time having regards to whether the use of the site remains as an international tourist attraction, the degree of threat at that time and whether alternative measures for crowd control and to reduce queuing on the public highway have been implemented. The bollards would not be acceptable on a permanent basis as they have an adverse impact on the character and appearance of the Dorset Square Conservation Area and pedestrian movement along the public highway, which in the absence of the exceptional circumstances demonstrated in the current application, would have been contrary to Policies S25, S28 and S41 in Westminster's City Plan (November 2016) and Policies DES1, DES7, DES9 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R03CB),

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of

building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 4 You must ensure you have the all the relevant approvals for undertaking works on the highway before commencing work.
  
- 5 Prior to commencement of development, s278 agreements will be entered into with the relevant Highway Authorities to deliver the works on highway. All costs, including administrative, legal, design, physical construction and ongoing maintenance, will be at the expense of the developer/application and not the Highway Authority. This will include all costs associated with relocating existing street furniture and utility services to accommodate the scheme., , You will need to secure permission under the Highways Act from the Highway Authority for the structures to be positioned within the highway. It is important to note that the Highway Authority may not support any licensing application under the Highways Act to install the bollards. The work to the Westminster highway will need to be undertaken by the Highway Authority and will need to be fully funded by the developer/applicant, if progressed. This would include an upfront commuted sum to cover the ongoing maintenance of these items in the highway. Any agreement will also need to include a bond, should the use change or threat decrease, so the bollards can be removed from the highway by the Highway Authority (at no cost to the HA)., , As there is no site survey of the underground conditions each location, there can no guarantee that each pole can be installed as shown. Any revised location, no matter how small the deviation, will need further full assessment to ensure adequate separation of bollards is maintained (minimum 1.2 metres).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.